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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JEREMY JOHN HALGAT,
an individual

Plaintiff

V.

UNITED STATES OF AMERICA,

Defendant.

Case No: 2:22-cv-592-RFB-EJY

**STIPULATION TO DEFER
SUBMISSION OF DISCOVERY PLAN
AND SCHEDULING ORDER
AND TO STAY DISCOVERY**

In light of the requirements imposed by Local Rule 26-1, it is hereby agreed and stipulated by all Parties, through their respective counsel, as follows:

1. This is an action seeking damages from the United States under the Federal Tort Claims Act (“FTCA”).
2. Plaintiff filed his Amended Complaint (FAC) on July 15, 2023. *See* ECF No. 69.
3. The United States moved to dismiss all claims on July 28, 2023. *See* ECF No. 71.
4. The United States has argued that it has not waived sovereign immunity for Plaintiff’s claims, and therefore that the FAC is subject to dismissal for want of subject matter jurisdiction. *See Donovan v. Vance*, 70 F.4th 1167, 1172 (9th Cir. 2023) (sovereign immunity “is a threshold jurisdictional issue.”) (internal quotations and citations omitted). The United States has further argued that Plaintiff has failed to state a claim. *See* ECF No. 71.
5. “Typical situations in which staying discovery pending a ruling on a dispositive

1 motion are appropriate would be where the dispositive motion raises issues of *jurisdiction*,
2 venue, or *immunity*.” *Bacon v. Reyes*, No. 2:12-cv-1222-JCM-VCF, 2013 WL 5522263, at *2 (D.
3 Nev. Oct. 3, 2013) (citing *TradeBay, LLC v. Ebay, Inc.*, 278 F.R.D. 597, 600 (D. Nev. 2011))
4 (emphasis added).

5 6. It is the position of the Parties that discovery and related pretrial deadlines should
6 be stayed until disposition by the Court of the pending motion to dismiss, which raises issues of
7 jurisdiction and immunity.

8 7. Under the Court’s Local Rules, Plaintiff’s Opposition to the motion was due
9 August 11, 2023. However, the Parties have agreed that Plaintiff may have an additional 30 days
10 to respond to the pending motion to dismiss. *See* ECF No. 73.

11 8. The Parties further agree that the submission of the Discovery Plan and
12 Scheduling Order under Local Rule 26-1 should be deferred and discovery stayed in this civil
13 action until after the Court’s disposition of the pending motion to dismiss the FAC. The Parties
14 agree the cost and efficiency of discovery will be better managed if appropriate discovery can be
15 planned and conducted after a decision is made by the Court regarding the legal viability of
16 Plaintiff’s claims.

17 9. The Parties jointly request the Court’s approval of their stipulation to defer
18 submission of the Discovery Plan and Scheduling Order and to stay discovery until after the
19 Court’s disposition of the pending motion to dismiss, ECF No. 71.

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Respectfully submitted this 14th day of August, 2023

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IT IS SO ORDERED:


United States Magistrate Judge

Dated: August 15, 2023